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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,876	01/17/2002	Hans-Hermann Wippersteg	3957/59156-103	7926

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EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,876

Applicant(s)

WIPPERSTEG, HANS-HERMANN

Examiner

Michael J. Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 15-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 15-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,15,16,23 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by US PAT 5,325,156 to Ulinski.

As to claim 1, Ulinski discloses a method for planning a repair (title) of mobile machines (fig 3 shows the machine as having wheels), comprising: entering a code for a machine (claim 1, col 6, lines 46-53), sending particulars of the repair order and the code (col 6, lines 46-53), via telecommunication (fig 5), retrieving specific data about the machine stored in the central processor (claim 1, col 6, lines 54-55), using the central processor to generate a repair plan (col 5, lines 29-31) and sending the repair plan to the local system via telecommunication (col 5, lines 31-33). The mobile machine is independent of the local computer system (fig 3, as can be seen, the mobile machine is selectively connected to the system thus meeting the limitations as claimed).

As to claim 2, the stored data includes the machine's service history (col 5, lines 16-18).

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As to claims 15, Ulinski discloses the step of sending data from the machine's diagnostic system to the local computer (inherent in that the data is sent and it sent via the local computer).

As to claim 16, Ulinski discloses sending data from the central processor to the machine (col 5, lines 31-35).

As to claim 23, needed resources are provided upon acceptance of the repair plan (col 5, lines 52-60).

As to claim 25, Ulinski discloses sending repair status (which would inherently include the status when the repairs are finished) to the host computer (col 6, lines 13-16).

As to claim 26, the local computer produces an account for repair of the machine using the repair plan (col 5, lines 55-58, as the information is displayed, it would be considered 'producing an account').

As to claim 27, the central processor produces an account for repair of the machine using the repair plan (col 5, lines 52-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 17-22,24 and 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulinski.

As to claims 17-22, Ulinski is silent on exactly what is in the repair plan. However, it would have been obvious to one of ordinary skill in the art to include such items as: time needed, parts, tools and graphic details as these would needed to be known in order to formulate a repair plan.

As to claim 22, it is well known in the art to replace parts that are associated with broken parts to ensure that they do not break in the near future as the failure of the associated part could damage the part.

As to claim 24, it would be obvious to one of ordinary skill in the art to input verification that that the plan had been followed to ensure that the plan is followed.

As to claim 28, Ulinski discloses a central computer (84, fig 3), with memory and a database (88, fig 3) configured to store data on each machine (col 5, lines 16-20), a remote system including a processor with network interface (fig 3), graphical user interface (fig 4), a unique identifier for each machine serviced by the system corresponding to the database with the machine (88), a display at remote terming

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configured to display repair data from the network (col 5, lines 29-33). The mobile machine is independent of the remote computer (fig 3, as can be seen, the mobile machine is selectively connected to the remote computer thus meeting the limitations as claimed).

Ulinski does not, however, teach a separate database for each machine. It would have been obvious to one of ordinary skill in the art to use a separate database for each machine to ensure that the information for each machine is stored in the same place and to reduce the chance for information being stored as associated with the wrong machine.

As to claim 29, the stored data includes the machine's service history (col 5, lines 16-18).

As to claim 30, the work path is the repair plan.

As to claim 31, the remote computer includes one processor on the mobile machine (inherent in that computers inherently contain at least one processor else they could not compute).

As to claim 32, the approval field is inherently displayed (fig 4), as this is included in the response to the service call.

As to claims 33 and 34, feedback, noting maintenance status is stored (col 6, lines 1-24).

As to claim 35, any computer can calculate and store variance, therefore, thereby meeting the limitations as claimed.

As to claim 36, employee evaluation is stored (col 5, lines 40-55).

As to claim 37, the examiner takes Official Notice it is very well known in the art to use actual data for training purposes (such as the notice when calling customer service, "This call could be recorded for training purposes").

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ulinski as applied to claims 1,2 and 15-37 above, and further in view of US PAT 5,933,479 to Michael et al. (Michael)

Ulinski discloses a diagnostic method as discussed above.

As to claim 38, Ulinski does not, however, teach a mobile repair unit. Michael discloses a method of repairing machines remote from the service center (title) with a mobile repair unit (fig 2). It would have been obvious to one of ordinary skill in the art to modify the method as taught by Ulinski with the mobile repair unit as taught by Michael to have a diagnostic unit that could not be corrupted by any problems that the machine to be fixed may have. For instance, if the power supply is interrupted to the mobile machine, it would be unable to communicate with the central processor. Who retrieves the information or the number of technicians involved therein would not make the instant application patentably distinct as this is intended use. Further, as the data is retrievable (inherently else it would be useless), it would be possible for a single technician to retrieve it.

Response to Arguments

Applicant's arguments filed 7/10/06 have been fully considered but they are not persuasive. As to what is being fixed, as the claims only recite "mobile machine", which

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limitation a copier with wheels meets, the prior art meets the limitations as claimed.

Further, even if the mobile machine were more clearly delineated to be a farming implement, it would be intended use and thus, not patentably distinct as the invention is directed toward the manner in which the machine is fixed and not the machine itself. As the machine includes the "diagnostic system", it would be considered to be any aspect of the machine that is involved in sending the diagnostic data. The number of technicians involved is not considered to be patentably distinct. Further, as there is no structure that would make it impossible for more than one technician to see the data nor any reason for there to be only one technician, this limitation would not make the instant invention patentably distinct.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 6,321,348 to Kobata discloses a method for remote, Internet consulting for service and repair, US PAT 5,682,421 to Glovitz et al. discloses a method for implementing automated dispatch for field technicians, US PAT 5,588,109 to Dickinson et al. discloses a method for remote diagnostics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

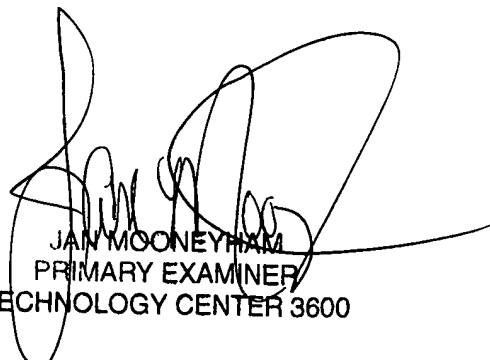
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF

11/12/06



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